

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENDAN SMITH , individually and on behalf of all others similarly situated v. NATIONWIDE MUTUAL INSURANCE COMPANY	CIVIL ACTION NO. 19-1217
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ORDER RE: MOTION TO DISMISS

And now this 24th day of June, 2019, upon consideration of Defendant's Motion to Dismiss (ECF 3), Plaintiff's Response thereto (ECF 6), Defendant's Reply thereto (ECF 9), and Plaintiff's Surreply (ECF 12), and for the reasons laid out in the accompanying memorandum, it is hereby ORDERED that Defendant's Motion is DENIED.

BY THE COURT:

/s/ Michael M. Baylson
Michael M. Baylson, U.S.D.J.